IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

LA.App.No. 299 of 2004(D)

LAR.529/1997 of PRINCIPAL SUB COURT, NORTH PARAVUR
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APPELLANT/ADDITIONAL 2ND RESPONDENT:

THE SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, REPRESENTED BY THE REGISTRAR.

BY ADV. SRI.KRISHNAKUMAR MANGOT,SC,SANSKRIT UTY
SRI.B.S.KRISHNAN(SR.),SC,SANSKRIT UTY.
SRI.K.ANAND, SC, SANSKRIT UTY.

RESPONDENTS/1ST RESPONDENT & CLAIMANTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM.**

2. **THRESSIAKUTTY, D/O. ESTHAPPANU, KUNNAPPILLY VEEDU, KALADY, ERNAKULAM DIST.**

3. **ANNAMKUTTY ALIAS SR. BARBARA, D/O. ESTHAPPANU, KUNNAPPILLY VEEDU, KALADY, ERNAKULAM DISTRICT.**

BY ADV. SRI. C.S. NARAYANAN NAIR
GOVERNMENT PLEADER SMT. LATHA THANKAPPAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/10/2007 ALONG WITH LAA NO. 300 OF 2004 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NOs. 299, 300, 304, 305
& 306 OF 2004 &
L.A.A. No. 1034 OF 2005

Dated this the 18th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the requisitioning authority, namely Sree Sankaracharya University of Sanskrit, Kalady. In the nature of the order we propose to pass, it is not necessary to extensively refer to the factual background. It is brought to our notice that the relied on judgment L.A.R. No. 521/1998 has already been remanded to the reference court for fresh consideration by judgment in L.A.A. No. 1065/2003.

2. For parity of reasons, we set aside the judgment and decree under appeal in all these cases and remit the cases to the reference court for fresh consideration. We make it clear that it will be open to the parties to adduce fresh evidence. In view of the remand as above, appellants shall be entitled to refund of court fee.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp